

# The Administrative Record

## Contents

Typical documents that are included in the Administrative Record are:

- Correspondence - letters, conversation records, memoranda, and responses to significant comments from the public
- Archives Search Reports (ASRs) -historical archival data on previous activities at the site
- Site photographs, maps, descriptions and chronologies
- Reference documents - reference and research papers used for ASRs
- Federal, State, and local technical reports about the site
- Inventory Project Report (INPR) - documenting the Preliminary Assessment (PA)
- Sampling and analysis data/plans
- Work and safety plans and progress reports
- Applicable or Relevant and Appropriate Requirements (ARARs)
- Anomaly Review Board Findings
- Engineering Evaluation/Cost Analysis Report (EE/CA) - including the Action Memorandum
- Removal Investigation (RI) Action/Decision Memorandum and reports
- Health and Endangerment Assessments
- Feasibility Study (FS) Reports
- Proposed removal action plans
- Record of Decision (ROD)
- Public Involvement Plan (PIP)
- Minutes/Transcripts of public meetings
- Congressional transcripts, testimonies, and published hearings
- Real property title search documents
- Real estate finds/determinations

When any of these items are not physically in the Administrative Record, they may be indexed by reference to their actual location.

## The Coordinator

The effort to establish an adequate body of documents encompasses a wide array of people:

- On-Scene Coordinators
- Records Managers
- Legal Staff
- Public Affairs Staff
- Real Estate Staff
- Representatives of Other Federal Agencies

The Life Cycle Project Manager at the Corps District with project management authority for the response site is responsible for determining the contents of the Administrative Record. The Administrative Record Coordinator is an individual or office within the Corps District who ensures that the files are properly compiled and maintained. Specifically, the Coordinator will:

- Develop procedures for creating record files
- Ensure the public is notified that the record is available for inspection
- Ensure safekeeping of the documents during public viewing
- Coordinate efforts to obtain the appropriate documents
- Index the Record and prepare the Table of Contents
- Update the Record and index periodically
- Ensure availability of the Record for copying
- Ensure that sampling and testing data, quality control/ assurance documents, and chain-of-custody records are available
- Coordinate with Office of Counsel on questions of relevance and confidentiality
- Arrange for presentation of the Record for judicial reviews and audits
- Maintain any confidential portion of the Record, if necessary

## Establishment and Maintenance

While the Administrative Record is the formal, legal set of documents supporting the decision process, an Administrative Record File must be established to hold the source documents until the response action decision has been made.

Documents that will be included in the Administrative Record must be clearly relevant and non-privileged. They should be entered into the index and made available to the public as soon as possible through accessible information repositories.

The Administrative Record Index and Table of Contents are essential parts of the Record because:

- 1) They enable both the Army and the public to locate/retrieve documents, especially those which are physically maintained apart from the Administrative Record.
- 2) The Table of Contents provides an overview of the history of the response actions at the site.
- 3) They provide a degree of control over the contents, reducing the possibility of unauthorized tampering with the Record.

The Administrative Record File should also include a data element definition, transmittal cover letters, transmittal acknowledgment documents, fact sheets, notices of public availability, and a glossary. These items should be included in the formal Administrative Record.

The Administrative Record is a fundamental resource for everyone associated with a response project. The U.S. Army Corps of Engineers is dedicated to ensuring it is accurate, comprehensive, and usable.



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## Documenting Decisions for Response Actions

One of the key elements of the Defense Environmental Restoration Program is its commitment to public involvement and awareness. A well informed public is essential, whether the response is to a Formerly Used Defense Site (FUDS), an active installation, or an installation which is slated for closure.

Literally hundreds of inputs are considered when making the final decision on the best course of action to take at a site contaminated with ordnance and explosives.

The Administrative Record is the body of documents that forms the basis for selecting a particular response at a site. This record not only permits public review of the documents, it also serves as the official repository for documentation used in any judicial review. As such, it must meet strict criteria. The record:

- Should be compiled as documents related to the site as they are generated;
- Should include documents that form the basis for the decision, whether or not they support that decision;
- Should provide a chronological explanation of the basis for the selected alternative;
- Must include all documents that answer the question, "Will this document lead to a removal, response, or remediation decision?"



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